

Attorney Docket No. 2119-0171P

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

Raymond C. Stewart	(Reg. No. 21,066)	Terrell C. Birch	(Reg. No. 19,382)
Joseph A. Kolasch	(Reg. No. 22,463)	James M. Slattery	(Reg. No. 28,380)
Bernard L. Sweeney	(Reg. No. 24,448)	Michael K. Mutter	(Reg. No. 29,680)
Charles Gorenstein	(Reg. No. 29,271)	Gerald M. Murphy, Jr.	(Reg. No. 28,977)
Leonard R. Svensson	(Reg. No. 30,330)	Terry L. Clark	(Reg. No. 32,644)
Andrew D. McIkle	(Reg. No. 32,868)	Marc S. Weiner	(Reg. No. 32,181)
Joe McKinney Muncy	(Reg. No. 32,334)	Donald J. Daley	(Reg. No. 34,313)
John W. Bailey	(Reg. No. 32,881)	John A. Castellano	(Reg. No. 35,094)
Gary D. Yacura	(Reg. No. 35,416)	Thomas S. Auchterlonie	(Reg. No. 37,275)
Mark J. Nuell	(Reg. No. 36,623)		

Send Correspondence to:

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

P.O. Box 747 • Falls Church, Virginia 22040-0747

Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

or Customer No. 2292

PLEASE NOTE:  
YOU MUST  
COMPLETE  
THE  
FOLLOWING:  
↓

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First  
or Sole Inventor:  
Inventor's Name or  
Title  
Inventor Date This  
Document Is Signed

Resident Address:  
Insert Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME John R. Karpinsky		INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) Huntsville, Alabama, U.S.A.		CITIZENSHIP	United States
MAILING ADDRESS (Complete Street Address including City, State & Country) 2615 Spicewood Trail, Huntsville, Alabama 35811, USA			
GIVEN NAME/FAMILY NAME Daniel M. Brown		INVENTOR'S SIGNATURE <i>Daniel M. Brown</i>	DATE* 7/1/02
Residence (City, State & Country) Huntsville, Alabama, U.S.A.		CITIZENSHIP	United States
MAILING ADDRESS (Complete Street Address including City, State & Country) 214 Wilson Hall Drive, Madison, Alabama 35757, U.S.A.			
GIVEN NAME/FAMILY NAME Rodney L. Clark		INVENTOR'S SIGNATURE <i>Rodney L. Clark</i>	DATE* 7/1/02
Residence (City, State & Country) Huntsville, Alabama, U.S.A.		CITIZENSHIP	United States
MAILING ADDRESS (Complete Street Address including City, State & Country) 774 Bob Stiles Road, Gurley, Alabama 35748, U.S.A.			
GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)			

\*DATE OF SIGNATURE

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## BIRCH, STEWART, KOLASCH &amp; BIRCH, LLP

P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

Attorney Docket No. 2119-0171P

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JUL 1 0 2002

OFFICE OF PETITIONS

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated next to my name; that I verify believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FIBER OPTIC SWITCH PROCESS AND OPTICAL DESIGN

Fill in Appropriate  
Information -  
For Use Without  
Specification  
Attached:

the specification of which is attached hereto. If not attached hereto,  
the specification was filed on \_\_\_\_\_  
United States Application Number \_\_\_\_\_  
and amended on \_\_\_\_\_  
the specification was filed on \_\_\_\_\_ (if applicable) and/or  
International Application Number \_\_\_\_\_ as PCT  
amended under PCT Article 19 on \_\_\_\_\_; and was  
amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 35, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority Information; (if appropriate)	Prior Foreign Application(s)			Priority Claimed	
	(Number)	(Country)	(Month/Day/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
	(Number)	(Country)	(Month/Day/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
	(Number)	(Country)	(Month/Day/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
	(Number)	(Country)	(Month/Day/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
	(Number)	(Country)	(Month/Day/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional Application(s):  
(if any)

60/180,138 (Application Number)	February 3, 2000 (Filing Date)
(Application Number)	(Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Country	Application Number	Date of Filing (Month/Day/Year)
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 35, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S. Application(s): (if any)	09/773,751 (Application Number)	February 2, 2001 (Filing Date)	<u>Pending</u> (Status - patented, pending, abandoned)
	(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)

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PATENT  
2119-0171P

## IN THE U.S. PATENT AND TRADEMARK OFFICE

U. S. PATENT & TRADEMARK OFFICE  
JULY 08 2002 JC86  
Applicant:

John R. KARPINSKY, et al. Conf.: 4198

Appl. No.:

10/025,460 Group: Unassigned

Filed:

December 26, 2001 Examiner: Unassigned

For:

FIBER OPTIC SWITCH PROCESS AND OPTICAL  
DESIGNDECLARATION OF STACEY HITE

RECEIVED

Assistant Commissioner for Patents  
Washington, D.C. 20231

JUL 1 0 2002

OFFICE OF PETITIONS

Sir:

I, Stacey A. Hite, hereby declare as follows:

1. I am the Executive Assistant for MEMS Optical, Inc., 205 Import Circle, Suite 2, Huntsville, Alabama 35806 ("MEMS Optical").
2. MEMS Optical is the assignee of the above-identified application by virtue of the fact that each of the three (3) joint inventors was under an obligation to assign his respective interest to MEMS Optical, and by virtue of an assignment executed by joint inventors Daniel M. Brown and Rodney L. Clark on July 1, 2002.
3. The third joint inventor in the above-identified application, John R. Karpinsky, is no longer employed at MEMS Optical. Mr. Karpinsky is unavailable to sign an oath or declaration in connection with the application despite a diligent effort on behalf of MEMS Optical to obtain the signature of Mr. Karpinsky.

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4. The last address for Mr. Karpinsky known to MEMS Optical is 891 Old West Point Road, Suite B, Starkville, Mississippi 39759. This is understood to be an employment address, and is the only address that was provided by Mr. Karpinsky to MEMS Optical.

5. Mr. Karpinsky previously advised MEMS Optical that his home telephone number is 662-615-5369. Upon calling that number, I was advised that the number has been disconnected and is not receiving calls.

6. Mr. Karpinsky advised MEMS Optical that his telephone number at his new place of employment is 662-324-4627. Upon calling that number I was advised that Mr. Karpinsky was not employed there and they had never heard of him.

7. Mr. Karpinsky advised MEMS Optical that his cellular telephone number is 662-341-1251. Upon calling that telephone number, on multiple attempts, I heard a recording stating that Mr. Karpinsky is unavailable or has traveled outside the area of coverage.

8. Mr. Karpinsky advised MEMS Optical that his email address is jkz@cypress.com. Messages sent to that email address result in a return message which states that the message was "Not Deliverable."

9. All efforts to contact Mr. Karpinsky by telephone or email have been unsuccessful. He could not be reached at any time, and he has not responded to any message.

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10. On April 19, 2002, I sent to Mr. Karpinsky, at his above-stated last known address, a copy of the above-identified application, a Combined Declaration and Power of Attorney for the application to be signed and returned to MEMS Optical, and a document assigning the application to MEMS Optical to be signed and returned. These documents were sent by registered mail and returned on May 26, 2002. MEMS Optical has received no response whatsoever from Mr. Karpinsky.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. Further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 3, 2002

By:

Stacey A. Hite  
Stacey A. Hite